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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 26th day of May 1998

B e f o r e

THE HON'BLE MR.JUSTICE CHANDRASHEKARAIHAH

W.P.Nos:7229 & 7230/97

BETWEEN: (WP.7229/97)

Muthaiah, major,  
s/o. late Nanjundappa,  
Shettigowdanahalli, Bidadi  
Hobli, Ramanagaram taluk,  
Bangalore Rural Dist.

(WP.7230/97)

Munithimmaiah, s/o late  
Muniyappa, aged about 48 years,  
Karigowdanadoddi, Bidadi Hobli,  
Ramanagara taluk,  
Bangalore District.

135  
... Petitioners;

(By Sri. K.L. Manjunath )

AND:

1. Karnataka Housing Board,  
rep. by its Commissioner,  
Cauvery Bhavan, Bangalore-9.

2. Executive Engineer,  
No.2, Metropolitan Division,  
Karnataka Housing Board,  
4th block, Rajajinagar,  
Bangalore-560 010.

... Respondents;

( Sri. Basavaraj V. Sabrad for R1;  
R2 being served)

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WPs.7229 and 2 7230/97 are filed under Arts.226 and  
227 of the Constitution of India praying to direct the responden  
to accept the remaining bid amount in respect of site  
No.45A (EWS category) and site No.66 (LIG category)

respectively, both situate at KHB Colony, Bidadi, and put the petitioners in possession of the above sites and issue possession certificates and execute sale deeds in their favour.

These petitions coming on for preliminary hearing in B group this day, the Court made the following:-

O R D E R

The Housing Board issued a notification proposing to auction several sites. The petitioners in the above petitions offered their bid in respect of site Nos:45A (EWS category) and No.66 (LIG category). The said bid was initially accepted by the Officer who conducted the sale. Thereafter the proceedings of sale were placed before the Board for confirmation of the bids offered by several persons in respect of different sites. The Board in its proceedings dated 26-11-1996 resolved to reject the bid offered by the petitioners and few others since there were no sufficient bidders in respect of these sites in the interest of the ~~State~~ revenue involved. Thereafter, the K.H.B., sent the cheques refunding the amounts deposited by the petitioners. In view of this the petitioners have filed these writ petitions for a direction to allot the premises by accepting the balance of bid amount in respect of the above said sites.

2) The learned counsel for the Housing Board produced the proceedings of the Board to show that the bids offered by the petitioners were rejected by the Board. In the notification it is stated as follows:-

"The auction sale is subject to the confirmation of conditions by KHB. The KHB reserves the right to accept or reject the bid without assigning any reasons."

From  
the abovesaid statement in the auction notification <sup>(in Board)</sup> it is clear that it reserves the right either to accept or reject the bid offered in the public auction. When the Board has reserved such right it is open for the Board either to accept or reject the bid in interest of the revenue of the Board. Further, from the proceedings it is seen that in respect of these sites and other sites, there was only single bidder in respect of each of the site. Keeping this in mind, the Board has resolved to reject the bid offered by the petitioners. Therefore, in my opinion it is not a case which calls for interference.

3) If the Housing Board decides to sell the remaining sites in public auction, it is open for the petitioners to participate in the said auction.

4) With the above observation, writ petition is rejected.

Sd/-  
JUDGE



Hsf.